

Joseph F. Fields, (JF 0040)
 Edward Tessler (ET 4503)
 David L. Elkind (DE 5559)
 Dickstein Shapiro LLP
 1177 Avenue of the Americas
 New York, New York 10036-2714
 Telephone: (212) 277-6500
 Facsimile: (212) 277-6501

IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF NEW YORK

----- X		
ALLAN S. LARSON,	:	
	:	
Plaintiff,	:	CASE NO. 08 CV 3513 (DC)
	:	
v.	:	NOTICE OF
	:	<u>MOTION TO DISMISS</u>
JAIN E ELKIND ENEY	:	
	:	
Defendant.	:	
----- X		

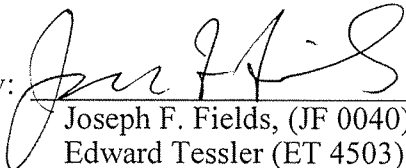
PLEASE TAKE NOTICE that, upon the accompanying affidavit of Jaine Elkind Eney, sworn to August 14th, 2008, the exhibits annexed thereto, and the accompanying memorandum of law, defendant Jaine Elkind Eney, by her undersigned attorneys, will move this Court, at a date and time to be determined by the Court, at the Courthouse, 500 Pearl Street, New York, New York, before the Hon. Denny Chin, to dismiss this action pursuant to Rules 56(b) and 12(b)(6) of the Federal Rules of Civil Procedure, and for such other and further relief as the Court deems just and proper.

TAKE FURTHER NOTICE that, pursuant to the scheduling order entered previously in this case, answering papers, if any, shall be served so as to be received no later than

September 5, 2008, and any reply September 12, 2008.

Dated: August 22, 2008

DICKSTEIN SHAPIRO LLP

By: 

Joseph F. Fields, (JF 0040)
Edward Tessler (ET 4503)
David L. Elkind (DE 5559)
1177 Avenue of the Americas
New York, NY 10036-2714
(212) 277-6500 (Telephone)
(212) 277-6501 (Facsimile)

**Attorneys for Defendant
Jaime Elkind Eney**